REMARKS

Claims 1-15 are pending in the application. Claim 16 has been canceled. Claims 1, 6, 11, 12 and 13 have herein been amended and are fully supported by the specification. Applicant has amended the claims to clarify the claim language. No new matter has been added to the prosecution of this application. Claims 11-13 have been rejected under 35 U.S.C. § 101. Claims 1, 6 and 11 – 13 are rejected under 35 U.S.C. § 112. Claims 1 – 16 are rejected under 35 U.S.C. § 102(e). For at least the reasons stated below, Applicant asserts that all claims are now in condition for allowance.

1.   Objections

A)   Drawings

The drawings have been objected to because Figure 144 is missing. The specification is hereby amended to delete any reference to Figure 144.

B)   Claim Objections

Claims 15 and 16 were found to be substantial duplicates of each other. Applicant thanks the Examiner for his thorough review of the application and has herein canceled claim 16 as suggested by the Examiner.

In view of the amendment to the specification and the cancellation of claim 16, Applicant believes that all the objections to both the claims and the specification have been addressed and respectfully requests that the objections to the drawings and the claims be withdrawn.

2.   35 U.S.C. § 101 Rejections

Claims 11-13 have been rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicant respectfully traverses the rejection. The verbiage "logic that" refers to hardware or "logic circuit " within the recited network-based

supply chain system. Applicant has amended claims 11, 12 and 13 to further clarify this point.

Applicant further asserts that the network-based supply chain system's functionality has been

adequately described to the point that one skilled in the art may without undue experimentation

devise a hardware modules or "logic circuits" that would perform each element of the invention

as claimed in claims 11, 12 and 13. Support for the amended claims may be found in Figure 1,

113 through 121 (inter alia). Therefore, Applicant respectfully requests the Examiner to

withdraw the rejections based on 35 U.S.C. §101 .

3.   35 U.S.C. § 112, 2nd paragraph Rejections

Claims 1, 6 and 11-13 have been rejected under 35 U.S.C. § 112, 2nd paragraph as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

Applicant regards as his invention. Applicant respectfully traverses these rejections.

With respect to claims 11-13, in light of the claim amendments introduced herein,

Applicant believes that the comments in the above matter number "2" are equally applicable to

the present rejection under 35 U.S.C. 112, 2nd paragraph and respectfully request the Examiner to

withdraw the rejection of claims 11-13.

Furthermore, Applicant believes that the rejection of claims 1, 6 and 11 under 35 U.S.C.

§ 112, 2nd paragraph has been addressed by the amendments to claims 1, 6 and 11 and in view of

the comments presented herein.

In addition, Applicant respectfully directs the Examiner's attention to the specification,

starting on page 434 line 20 and ending on page 438, line 25 (inter alia), for an explanation of the

interrelationship between the various elements of claim 1. In view of the following, the

Applicant believes that the rejection of claim 1 under 35 U.S.C. § 112, 2nd paragraph has been

addressed and respectfully requests the withdrawal of the 35 U.S.C. § 112, 2nd paragraph

rejections of claims 1, 6 and 11-13.

4.   35 U.S.C. § 102 Rejections

Claims 1-15 have been rejected under 35 U.S.C. § 102 as being anticipated by <u>Johnson et al.</u> (U.S. Patent 6,067,525). Applicant respectfully traverses these rejections.

<u>Cited Art</u>

<u>Johnson et al.</u> generally discloses a sales force automation system which integrates computerized, intelligent automated salesperson support, for multiple phases of the sales process.

The system disclosed in <u>Johnson et al.</u> includes a plurality of sub-systems each corresponding to a phase of the sales process to facilitate one or more events occurring in the corresponding phase of the sales process. The system also includes an event manager coupled to each of the sub-systems which recognizes an event carried out by one of the subsystems, determine the context in which the recognized event occurs and automatically initiate an operation in another sub-system to facilitate a new event in the sales process, on the basis of the context in which the recognized event occurs.

<u>The Cited Art Distinguished</u>

In contrast to <u>Johnson et al.</u>, the present invention as herein claimed, recites a system and method for administrating an e-commerce system in a network-based supply chain, comprising the steps of:

(a)   monitoring operation of entities selected from the group consisting of server processes, disk space, memory availability, CPU utilization, access time to a server, and a number of connections in a network-based supply chain for efficient system operation and problem prevention;

(b)   updating items selected from the group consisting of merchandising

content, currency exchange rates, tax rates, and pricing in the network-based supply chain at predetermined intervals;

(c)   synchronizing external data stored separately from the network-based supply chain with internal data stored on the network-based supply chain in order to make the external data accessible to the rest of the network-based supply chain system;

(d)   managing contact information received from users of the network-based supply chain to allow responses to user feedback; and

(e)   altering the items based on profiles of the users of the network-based supply chain.

Applicant asserts that not every element of every claim, as amended, is taught by the reference. MPEP § 2131 provides:

> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim..."

The Examiner has stated that element (a) of claim 1 is disclosed by Johnson et al. in column 8, lines 59-64. However, Johnson et al. fails to teach a system administration subsystem for monitoring the operation of the network. The system administration subsystem disclosed by Johnson et al. is limited to "administrative functions such as setting user passwords, managing default settings and performing update processes, etc" (col. 8, lines 59-64). The administrative functions disclosed in the present invention are different from those of Johnson et al. at least in one important aspect. That aspect relates

to the system administrator's ability to automatically monitor various system performance variables that allows it to predict and even prevent system overloads and failures. Johnson et al. fails to disclose this important aspect of system administration disclosed in the present invention.

Furthermore, the Examiner states that element (b) of claim 1 is disclosed by Johnson et al. in column 29, lines 54-67. However, Johnson et al. fails to teach a system that periodically and automatically and updates items such as tax rates, exchange rates, and pricing.

Additionally, the Examiner states that element (b) of claim 1 is disclosed by Johnson et al. in column 27, lines 25-33 and 40-60. However, Johnson et al. fails to teach a system that synchronizes external data stored separately from the network-based supply chain. Johnson et al.'s teachings are limited to distributing data among various internal components and sub-components, resulting in an integrated system. The present invention recites a system that may obtain data from external sources not integrated into the enterprise (inter alia, page, 437, lines 10-16), and then making the external data accessible to the rest of the network.

For the reasons stated herein, Johnson et al. fails to teach every element of claim 1 of the present invention, as amended. Furthermore, the reasons stated for the patentability of claim 1 are equally applicable to independent claims 6 and 11, since the Examiner has rejected claims 6 and 11 on similar grounds as to claim 1.

Therefore, for the reasons stated herein, Applicant believes that the independent claims 1, 6, and 11 of the present invention are patentable over Johnson et al. and Applicant respectfully requests the Examiner to withdraw its rejections.

Furthermore, the dependent claims 2-5, 7-10 and 12-15, directly or indirectly depend
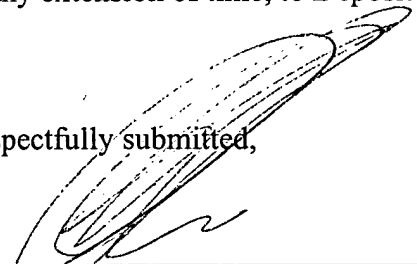
from and contain all the patentably distinguishing limitations of allowable independent claims 1, 6 and 11. Therefore, Applicant respectfully submits that dependent claims 2-5, 7-10 and 12-15 are in position to overcome these rejections and respectfully request the Examiner to withdraw the rejections.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached pages are captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE.**"

CONCLUSION

Applicant submits that all pending claims are allowable and respectfully requests that a Notice of Allowance be issued in this case. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (650) 320-4358. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Reference 60021-336701).

Respectfully submitted,

Date: October 10, 2002

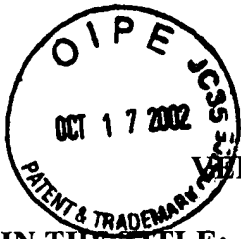_____
Rambod Nader
Reg. No. 47,262

OPPENHEIMER WOLFF & DONNELLY LLP
Customer No. 25696

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited on October 10, 2002, with the U.S. Postal Service as first class mail in an envelope addressed to: Box Fee Amendment, Commissioner for Patents, Washington, D.C. 20231.

Date: October 10, 2002

_____
Yolette Yturralde-Owen

SV/264855.01
60021.336701

IN THE TITLE:

Please amend the title as follows:

[SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR] SCHEDULING
AND PLANNING MAINTENANCE AND SERVICE IN A NETWORK-BASED
SUPPLY CHAIN ENVIRONMENT

IN THE SPECIFICATION:

Please amend the specification as follows:

Please delete the line 27 and 28 on page 18 reading: "Figure 144 is a flow chart
illustrating an open market environment for electronic content."

IN THE CLAIMS:

1   1. (Amended)   A   method   for   ~~scheduling   and   planning   maintenance   and~~

2   ~~service~~administrating an e-commerce system in a network-based supply chain, comprising the

3   steps of:

4   (a)   monitoring operation of entities selected from the group consisting of

5   server processes, disk space, memory availability, CPU utilization, access

6   time to a server, and a number of connections in a network-based supply

7   chain for efficient system operation and problem prevention;

8   (b)   updating items selected from the group consisting of merchandising

9   content, currency exchange rates, tax rates, and pricing in the network-

10   based supply chain at predetermined intervals;

11   (c)   synchronizing external data stored separately from the network-based

12   supply chain with internal data stored on the network-based supply chain

13   in order to make the external data accessible to the rest of the network-

14   based supply chain system;

15   (d)   managing contact information received from users of the network-based

16   supply chain to allow responses to user feedback; and

17   (e)   altering the items based on profiles of the users of the network-based

18   supply chain.

1   6.   A computer program embodied on a computer readable medium for ~~scheduling~~

2   ~~and planning maintenance and service~~administrating an e-commerce system in a

3   network-based supply chain environment, comprising:

4   (a)   a code segment that monitors operation of entities selected from the group

5   consisting of server processes, disk space, memory availability, CPU

6   utilization, access time to a server, and a number of connections in a

7   network-based supply chain for efficient system operation and problem

8   prevention;

9   (b)   a code segment that updates items selected from the group consisting of

10   merchandising content, currency exchange rates, tax rates, and pricing in

11   the network-based supply chain at predetermined intervals;

12   (c)   a code segment that synchronizes external data stored separately from the

13   network-based supply chain with internal data stored on the network-

14   based supply chain in order to make the external data accessible to the rest

15   of the network-based supply chain system;

16   (d)   a code segment that manages contact information received from users of

17   the network-based supply chain to allow responses to user feedback; and

18   (e)   a code segment that alters the items based on profiles of the users of the

19   network-based supply chain.

1   11.   A system for ~~scheduling and planning maintenance and service~~administrating an

2   e-commerce system in a network-based supply chain environment, comprising:

3   (a)   circuit logic that monitors operation of entities selected from the group

4   consisting of server processes, disk space, memory availability, CPU

5   utilization, access time to a server, and a number of connections in a

6   network-based supply chain for efficient system operation and problem

7   prevention;

8   (b)   circuit logic that updates items selected from the group consisting of

9   merchandising content, currency exchange rates, tax rates, and pricing in

10   the network-based supply chain at predetermined intervals;

11   (c)   circuit logic that synchronizes external data stored separately from the

12   network-based supply chain with internal data stored on the network-

13   based supply chain in order to make the external data accessible to the rest

14   of the network-based supply chain system;

15   (d)   circuit logic that manages contact information received from users of the

16   network-based supply chain to allow responses to user feedback; and

17   (e)   circuit logic that alters the items based on profiles of the users of the

18   network-based supply chain.

1   12.   A system as recited in claim 11, further comprising logic circuit that performs

2   load balancing services that initiate and stop processes as utilization levels vary in

3   the network-based supply chain.

1   13.   A system as recited in claim 11, wherein the logic circuit that manages the contact

2   information includes tracking responses to the users of the network-based supply

3   chain.

Please cancel claim 16.

1   ~~16.   A system as recited in claim 11, wherein prior to the synchronization of the~~

2   ~~external data, a search is performed for the internal data in the network-based supply~~

3   ~~chain.~~